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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,497	02/26/2002	Mark A. Tschiegg	398624	8699
30955	7590	03/15/2006		
LATHROP & GAGE LC 4845 PEARL EAST CIRCLE SUITE 300 BOULDER, CO 80301			EXAMINER ROBINSON, GRETA LEE	
			ART UNIT 2168	PAPER NUMBER

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,497

Applicant(s)

TSCHIEGG ET AL.

Examiner

Greta L. Robinson

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 62 and 63 is/are allowed.
- 6) ☒ Claim(s) 1,2,17-24,27 and 50-56 is/are rejected.
- 7) ☒ Claim(s) 3-16,25,26,28-49 and 57-61 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-63 are pending in the present application.

Response to Arguments

2. Applicant's arguments, see Pre-Appeal Request, filed December 7, 2005, with respect to the rejection(s) of claim(s) 1-4 and 6-60 under 35 USC 103(a) citing Innes et al. (US 2002/0198750) in view of Smyth (US 2002/0087705), the rejection of claim 5 citing Innes et al. in view of Smyth and further in view of Gill (US Patent 6,005,560), and claims 61-63 Innes et al. in view of Glick et al. (US Pat Pub 2004/0015422) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made under 35 USC 103(a) citing Bladen et al. in view of Schwartz.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claim 56 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 50 of copending Application No. 10/412,912. Although the conflicting claims are not identical, they are not patentably distinct from each other because both claims essentially perform the same function.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Regarding Claim 56, a method for managing risk management information [note co-pending 10/411,912, claim 50 lines 1-2], comprising the steps of: "segmenting risk management information within a database according to access authorizations" [note: co-pending 10/411,912, claim 50 lines 3-4]; "generating graphical display of a segment of risk management information" [note: co-pending 10/411,912, claim 50 lines 5-7]; "updating the segment of risk management information " [note: co-pending 10/411,912, claim 50 lines 8-9]; and "automatically communicating email to the access computer in notification of the data inputs to the segments" [note: co-pending 10/411,912, claim 50 lines 9-10]. The co-pending application recites reporting a summary of the risk management information this is essentially communicating with the end user or giving notification of updates, it is well known in the data processing arts that means of notification can be through email.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 50-55 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the relationship between the segments and the risk management information, note the body of the claim does not address means for augmenting information with respect to risk management information, only segments as presently written [note claim 50 lines 1-8]. The claim appears to omit the structural relationship between segments and risk management information.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1, 2, 17-24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bladen et al. US Patent Application Publication No. 2002/0099586 A1 in view of Schwartz US Patent Application Publication No. 2003/0037063 A1.

Regarding claim 1, **Bladen et al.** teaches a graphical and interactive interface system for managing risk management information [note: abstract “interactive risk management”; Figure 1C (112) E-RISK USER INTERFACE];

a secure database having risk management information accessible by authorized access through a network [note: Fig. 2E, paragraph 0153, 0164-0165, 0178-0183];

a graphics interface for generating graphic data of the risk management information in response to the authorized access [note: paragraph 0197 authorized viewers; Figure 7B note generation process flowchart; Figure 1J graphical user-interface; also Figure 3D step 330]; and

means for generating email to alert authorized users to updates to the risk management information [note: FSS paragraph 0451 through 0459 “automatic electronic updates ... Access to a help line ...e-mail”; paragraph 0354 feedback].

Although Bladen et al. teaches the invention substantially as cited above, they do not explicitly disclose that the email is generated to alert authorized users, however **Schwartz** teaches means for generating email through system software 324 as a means of automatic notification of updates [note: abstract; paragraph 0102 and 0106]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Schwartz with Bladen et al. because Schwartz further shows how email may be implemented in a network system as a means of communication to alert the end user of changes.

Regarding claim 2, "the authorized access comprising user inputs to the graphics interface regarding risk management information" [Bladen et al. note paragraph 0197 and 0198; paragraph 0053].

Regarding claims 17-24, "means for generating email generates email in response to receipt of an update ... periodic email defining updates " [note: Schwartz, Figure 3 communication interface 319; and paragraph 0102-0106].

Regarding claim 27, the database comprising a SQL database server [note: Bladen et al. teaches various embodiments may be implemented paragraphs 0175-0183].

Allowable Subject Matter

9. Claims 3-16, 25, 26, 28-49, and 57-61 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 62 and 63 are allowed. The prior art of record fails to teach the combined limitations of claims 62 and 63.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Krishnan et al. US Patent Application Publication No. 2002/0184068 A1


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greta L. Robinson whose telephone number is (571)272-4118. The examiner can normally be reached on M-F 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Greta Robinson
Primary Examiner

Greta Robinson
Primary Examiner
March 13, 2006